

ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H-2008-0035

HLC DATE:

October 27, 2008

PC DATE:

December 9, 2008

APPLICANT: Donald M Williams and Lisa Doggett, owners

HISTORIC NAME: Judge John D. and Henrietta Harvey House

WATERSHED: Shoal Creek

ADDRESS OF PROPOSED ZONING CHANGE: 1309 Marshall Lane

ZONING FROM: MF-3-NP to MF-3-H-NP

SUMMARY STAFF RECOMMENDATION: Staff recommends the proposed zoning change from multi-family residence, neighborhood plan (MF-3-NP) district to multi-family residence, neighborhood plan – Historic Landmark (MF-3-H-NP) combining district zoning.

HISTORIC LANDMARK COMMISSION ACTION: Recommended the proposed zoning change from multi-family residence, neighborhood plan (MF-3-NP) to multi-family residence, neighborhood plan – Historic Landmark (MF-3-H-NP) combining district zoning. Vote: 5-0 (Cuppett and Myers absent).

PLANNING COMMISSION ACTION: Recommended the proposed zoning change from multi-family residence, neighborhood plan (MF-3-NP) to multi-family residence, neighborhood plan – Historic Landmark (MF-3-H-NP) combining district zoning. Vote: 8-0.

DEPARTMENT COMMENTS: The house is listed as a Priority 2 for research in the Comprehensive Cultural Resources Survey (1984).

CITY COUNCIL DATE: December 18, 2008

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: Old West Austin Neighborhood Association

BASIS FOR RECOMMENDATION:

The ca. 1920 house is an excellent and rare example of an "airplane" bungalow, and is associated with Judge John D. Harvey, who served on the Texas Supreme Court Commission of Appeals from 1925 to 1943, and his wife Henrietta, who was active in the United Daughters of the Confederacy.

Architecture:

One-and-a-half story irregular-plan "airplane"-style Craftsman bungalow, with a front-gabled pop-up roof, and expansive front-gabled independent porch on triple

wood posts on brick piers, single, paired, and triple 1:1 fenestration with wooden screens in a variety of configurations, including 6:1, 9:1, and 12:1.. The house exemplifies the principles of Craftsman bungalow style in its low-pitched profile, attention to structural details, deep eaves, heavy brackets, and prominent front porch.

Historical Associations:

The house was built around 1921; Thomas and Esther Brady purchased the property from W. Niles Graham of the Enfield Development Company in 1922, then sold it to J.B. and Gertrude K. Fields later that same year. It is unclear who built the house – it was possibly a house built by Niles Graham as a “spec” house in the new Enfield subdivision, as the purchase price for the property from Brady to Fields indicates the presence of the house on the lot at that time. The Fields held on to the property until 1931, when they sold it to Judge John D. and Henrietta (“Etta”) Harvey.

John D. Harvey (1873-1949) was born in Nelsonville, Austin County, Texas; he received his degree from the University of Texas and was admitted to the bar in 1893. He practiced in Hempstead, Texas from 1893 to 1915, and served as the Waller County judge from 1904 to 1915. He was appointed the district judge of the 80th Judicial District in 1915, a position he held until 1925, when he was appointed the presiding judge of Section A, the Commission of Appeals of the State Supreme Court by Governor Miriam A. (“Ma”) Ferguson. He resigned in 1943 due to ill health, and passed away in 1949. Etta Harvey remained in the house until her death in 1966. She was born in Hallettsville, Texas in 1871, and married Judge Harvey in 1897 at Hempstead, where she had moved. Mrs. Harvey was very active in the United Daughters of the Confederacy. The 1930 U.S. Census shows John D. and Henrietta Harvey renting a house at 1104 W. 6th Street; next door to them lived Ada F. Maddox, the widow of former Austin mayor Frank Maddox, and his daughter, Ada May Maddox, who is listed as the secretary-treasurer of the American Legion Auxiliary, and who was Etta Harvey’s cousin.

After Etta Harvey’s death, Ada May Maddox lived in the house. Besides her duties with the American Legion Auxiliary, Ada Maddox also worked in the Attorney General’s Office and the General Land Office. When she passed away in 1971, Marion E. Ross occupied the house for the next 6 years, before selling to Joseph Liro, a professor of Russian at Austin Community College, and an assistant city manager while he lived here. Liro sold the house in 2003 to Amos “Pete” Peters and his wife, Karen. Pete Peters was the director of a communications consulting firm and worked on the campaigns of many local officials. The current owners, Drs. Donald M. Williams and Lisa Doggett, purchased the property in 2006. Dr. Williams specializes in pediatric medicine; Dr. Doggett is the director of the Family Wellness Center at the University of Texas.

PARCEL NO.: 01100106130000

LEGAL DESCRIPTION: Lot 3, Outlot 7, Division Z, Enfield “B”

ANNUAL TAX ABATEMENT: \$13,660 (owner-occupied); city portion: \$2,356 (1/2 of city taxes).

APPRAISED VALUE: \$1,063,694

PRESENT USE: Single-family residence.

CONDITION: Excellent

PRESENT OWNER:

Donald M. Williams and Lisa Doggett
1309 Marshall Lane
Austin, Texas 78703

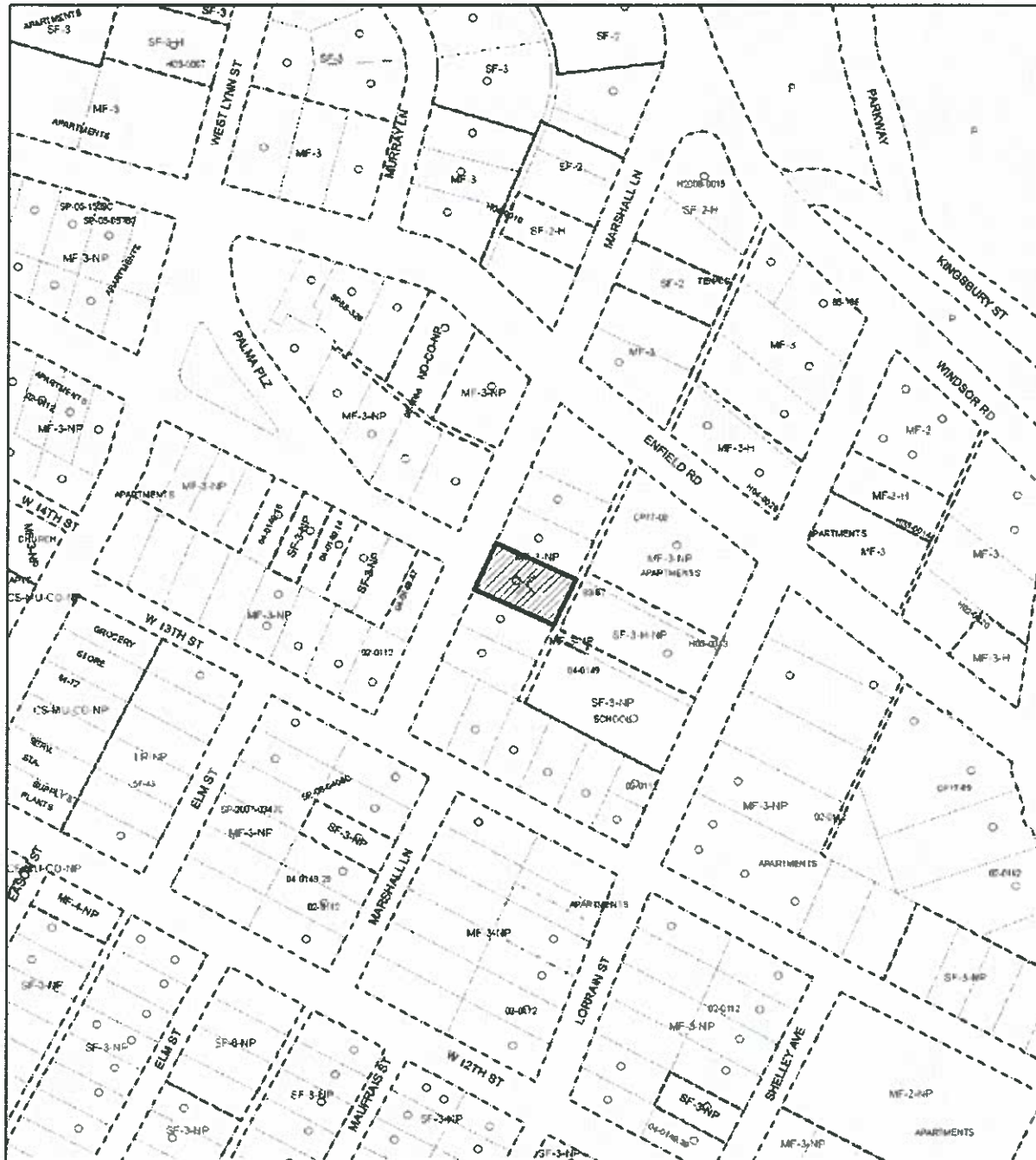
DATE BUILT: ca. 1921

ALTERATIONS/ADDITIONS: The top floor of the house was expanded in 2002 and again in 2007. The house retains its historic appearance and integrity.

ORIGINAL OWNER(S): R. Niles Graham (1921)

OTHER HISTORICAL DESIGNATIONS: None.

LOCATION MAP



1" = 200'

SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

OPERATOR S. MEEKS

HISTORIC ZONING

ZONING CASE# C14H-2008-0035
 ADDRESS 1309 MARSHALL LANE
 SUBJECT AREA 0.000 ACRES
 GRID: H23
 MANAGER: S. SADOWSKY



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 No warranty is made by the City of Austin regarding specific accuracy or completeness.

Judge John D. and Etta Harvey House
1309 Marshall Lane
ca. 1921



Historical Narrative – 1309 Marshall Lane

The house at 1309 Marshall Lane was one of the first houses in what is now the Old West Austin Historic District, which has been granted National Historic Register status. The Craftsman bungalow was constructed in 1920, as part of the Enfield B subdivision. Originally, its address was 1221 Marshall Lane, but this was changed during the 1930s to 1309 Marshall Lane (the original 1309 Marshall Lane became 1509 Marshall Lane). Before 1920, only 17 houses had been built in the entire Historic District, which comprises Old Enfield, Pemberton, Bryker Woods, and Old West Austin, and includes over 2,500 structures. The house is a contributing property to the Historic District. It is one of only 28 Craftsman houses in the District. More information on the Historic District can be found at http://www.txinfo.com/brykerwoods/OWAHD_nomination.doc.

The architect and builder for the property are not known. I have attached an architectural description of the house, written by Stephen V. Levy, AIA. I have been told by two of the house's former occupants that the house is an example of a relatively unusual Craftsman home called an "Airplane Bungalow". I am attaching a PDF file I retrieved from the internet with a description of the elements of an airplane bungalow. The file can be accessed at <http://www.preservation.lacity.org/files/airpbungalow.pdf>. One of the previous owners told me that this is the only airplane bungalow in Austin, but I don't have any way to verify that. Below is a description of the house's owners/occupants:

Thomas D. Brady and Esther J. Brady (3/15/22-8/24/22)

Deed to Thomas D. Brady on 3/15/22.

JB Fields and Gertrude K. Fields (1922-1931)

Property sold from Thomas D. Brady to J. B. Fields on 8/24/22 for \$11,500. Property then sold to the Harvey's on 1/31/31 for \$8,000.

John Dixon Harvey (1931-1949)

Henrietta Harvey (1931-1967)

John Dixon Harvey was a member of the Texas State Supreme Court Commission of Appeals from 1925-1943. He was born May 11, 1873, in Nelsonville, Austin County. He received his Bachelor of Laws degree from the University of Texas and was admitted to the Texas Bar in 1893.

He practiced in Hempstead, Texas from 1893-1915. He served as County Judge of Waller County from 1904-1915, and District Judge of the 80th Judicial District from 1915-1925. In 1925, he was appointed by Governor Miriam A. Ferguson as Presiding Judge, Section A, the Commission of Appeals, on the Texas State Supreme Court. He

served in that capacity for 18 years, retiring because of ill health in 1943. Judge Harvey died at the age of 75, on February 6, 1949.

Honorary pallbearers for Judge Harvey included: members of the Texas Supreme Court (Chief Justice JE Hickman, Judges GB Smedley, WM Taylor, Few Brewster, John H Sharp, Gordon Simpson, AJ Folley, James P Hart, and W. St. John Garwood), Governor Beauford Jester and former Governors Coke R Stevenson and James V. Allred, Lieutenant Governor Allen Shivers, Attorney General Price Daniel, former Attorney General William McCraw, and Judge Ocie Speer of Austin.

According to William Travis, an Austin attorney who lived across the street from the late 1930s until the early 1960s, Judge Harvey was a skilled woodworker. Mr. Travis remembers that Judge Harvey would make "rubber guns" (slingshot-like toys made of wood and a bicycle inner tube) for him and other neighborhood children with woodworking tools he kept in the basement.

Judge Harvey was a member of the Texas Bar Association and Woodmen of the World. He was survived by his wife, Henrietta (Etta) Harvey. She was born on August 8, 1871 and died on November 1, 1966. Both Judge Harvey and Henrietta Harvey are buried in the Texas State Cemetery in Austin.

Ada Mae Maddox (1967-1971)

Ada Mae Maddox was born in 1894 or 1895. She was secretary-treasurer of the American Legion Auxiliary. She died on September 4, 1971 at the age of 76. She was a lifelong Austin resident. Her brother was Frank S. Maddox, who is listed as an Honorary pallbearer for Judge Harvey. William Travis believes that Ms. Maddox was either a relative or close friend of the Harvey's.

Betty Ross

Marion E. Ross (1971-1975)

Not much could be retrieved about either of these occupants, but (future occupant) Joseph Liro confirmed that he bought the house from Marion Ross, and that she was Judge Harvey's niece. Thus, it appears that the house was owned by the Harvey's or their relatives from 1931 until 1975.

Joseph and Judith Liro (1975-2003)

Joseph and Judith Liro bought the house in 1975 for \$60,000. Joseph Liro is an Associate Professor of Russian at Austin Community College. While he lived in the house, he was Assistant City Manager for the City of Austin. Judith Liro is an Episcopal priest. When she was ordained in 1984, she was the first female Episcopal priest in Austin and the sixth in the state of Texas. The Liro's two children, now in their 30's, grew up in the house.

Mr. Liro relates that when he bought the house, the upstairs and downstairs portions were partitioned, partially with temporary walls, to accommodate separate living areas. Boarders operated the second floor during the Ross's time. William Travis says that he remembers upstairs boarders when the Harvey's occupied the house as well.

The Liro's took down the temporary walls to reunite the upstairs and downstairs quarters. The Liro's currently live in Hyde Park.

Amos (Pete) and Karen Peters (2003-2006)

The Peters' bought the house in 2003 for about \$600,000. Amos Peters is director of communications for a consulting company "The Communicators". He has worked on the campaigns of many local elected officials in Austin and Williamson County. Karen Peters remodels houses.

Don Williams and Lisa Doggett (2006-present)

Donald Williams, MD and Lisa Doggett, MD MPH are both practicing physicians in Austin. They bought the house in 2006 for \$1,130,000. Dr. Williams was born February 23, 1973, in Scranton, PA. He received a BS in chemistry from MIT and his MD from Baylor College of Medicine. He completed residency training in Internal Medicine and Pediatrics at the University of Cincinnati. He is an Assistant Professor of Pediatrics at UTMB Austin. He sees hospitalized pediatric patients at Dell Children's Medical Center, and supervises medical students and residents as well.

Dr. Doggett was born in Austin on August 3, 1973. She received a BA from Amherst College with a major in Political Science. Afterwards, she received an MD from Baylor College of Medicine and a Masters of Public Health (MPH) from UT Houston. She completed residency training in Family Practice at the University of Cincinnati. She is the director of the Family Wellness Center at UT, and is an Assistant Professor of Medicine at UT.

Dr. Doggett's parents are Lloyd and Libby Doggett. Lloyd Doggett is a well-known political figure in Austin. He served as Texas State Senator, Texas Supreme Court Justice, and was the Democratic nominee for US Senator from Texas in 1984. He is currently serving his seventh term in the US House of Representatives. Libby Doggett is a specialist in early childhood development, and is national director of Pre-K Now, an organization designed to promote universal Pre-K education in the United States. Lloyd and Libby are frequent visitors to the house, spending Christmas Dinner, birthday parties, and many family dinners with Don and Lisa and their two small children.

Renovations

The house is known to have undergone significant renovations twice, both times in the last 6 years. The Peters expanded the top floor to add a master bathroom, and renovated the kitchen and multiple rooms on the bottom floor as well. Great care was taken to ensure that the home maintained its architectural character. Again, in 2007, the upstairs was renovated, adding about 200 square feet. This included the addition of a fourth bedroom and modification of the master bedroom and bath. The architect for the project was Emily Little, and again, great care was taken to preserve the character of the house.

Original Interior Elements

The interior of the house retains many original features. There is a large built-in wooden cabinet in the dining room. French doors separate the front sitting room from both the dining room and the sun room. Tile mosaics adorn all three of the fireplaces. The large downstairs bathroom features art deco tiling and overhead light fixture and an arched shower entry.

Justification for Historic Status

The home is frequently sited by our neighbors as a favorite house and a focal point for our historic neighborhood. Framed by stately live oaks, it is a classic example of 1920's Craftsman ideals and workmanship. It is a contributing structure to the Old West Austin Historic District, and is one of the oldest homes in the District. The house has managed to retain its character extremely well through two renovations. Furthermore, the house has been occupied by an interesting group of Austinites, including a long-serving and respected Justice on the Texas State Supreme Court.



September 29, 2008

Mr. Don Williams
1309 Marshall Lane
Austin, TX 78703

RE: Historical Description for 1309 Marshall Lane, Austin TX

Dear Don,

Please accept the following architectural description in consideration for your Historic Landmark application:

This historic home is typical of Prairie School Style Architecture popular in Central Austin at the turn of the 20th century. Front porch bays were typically long, broad spanned and capped with box columns at each end. Entries were typically marked by this porch with low rising steps. The front door faces the street and opens directly onto the porch. A secondary entry was often located at 90 degrees to the main entry. Roofs were low pitched with large overhangs, many with times open rafters and structural knee braces. Roofs were also a major method of distinguishing sub-styles of the Prairie School Style: front gabled, side gabled, cross-hipped gable and hipped roofs. Windows were typically double hung and grouped in sets of two or three; upper sashes include vertical muntins or geometric patterns. Foundations were pier-and-beam. Structural wood framing typically milled locally. Ornamentation on these buildings is sparse and generally focused at the eaves of the pyramidal or gable roofs in the form of exposed rafters and knee braces. This style home is often referred to as a Craftsmen Bungalow.

Please feel free to contact me should you require any additional information. I can be reached at (512) 477-1727 ext. 201.

Sincerely,

Clayton Levy & Little

A handwritten signature in black ink, appearing to read "Stephen V. Levy".

Stephen V. Levy, AIA
Partner

Cc: file

512 477 1727
FAX 477 9826

1001 EAST BEN STREET
AUSTIN, TEXAS 78702

CLAYTONLEVYLLITTLE.COM

ended.

Judge Harvey Dies Here at 75

Judge J. D. Harvey, 75, for many years a member of the Texas Supreme Court, died Sunday at 3 p.m. in an Austin hospital following an illness of three months.

He was formerly county judge of Waller County and was named judge of the 8th Judicial District in that area when it was created in 1915.

He served as district judge for 10 years, and in 1930 was named by Governor Miriam A. Ferguson as a member of the Supreme Court Commission of Appeals.

He served on the judicial agency 18 years, and resigned in 1948 because of ill health.

Judge Harvey was born May 11, 1873, in Austin County and was educated in the public schools there and at the University of Texas, where he graduated in 1903. After graduation he began the practice of law in Waller County, becoming county judge there in 1904.

Survivors include his widow, Mrs. Ella Brown Harvey of Austin, and two sisters, Mrs. W. T. Barton of Hempstead and Mrs. Polly Lebell of Dallas.

Funeral services will be held Tuesday at 10:30 a.m. at the Wood-Croley Funeral Home by the Rev. Charles Summers of St. David's Episcopal Church. Burial will be in the State Cemetery.

Obituary of Judge John D. Harvey
Austin American, February 7, 1949

Tuesday, February 8, 1949

Harvey Rites Stated Today

Funeral services for Judge J. D. Harvey, 75, former member of the Supreme Court commission of appeals, will be held Tuesday at 10:30 a. m. at the Weed-Corley Funeral Home.

The Rev. Charles Summers of St. David's Episcopal Church will officiate. Burial will be in the State Cemetery.

Judge Harvey died Sunday after a long illness.

A member of the commission for 18 years, he was born May 11, 1873, in Austin County and was graduated from the University of Texas in 1893.

He began his judicial career as county judge of Waller County in 1905. When the 80th Judicial District was created he was named as its judge. In 1925, Governor Miriam A. Ferguson appointed him as a member of the Supreme Court commission of appeals. In 1948, he became ill and resigned his post.

Survivors include his widow, Mrs. Ethel Brown Harvey of Austin, and two sisters, Mrs. W. T. Sartain of Hempstead and Mrs. Polly Lobdell of Dallas.

Honorary pallbearers are members of the Supreme Court of Texas: Chief Justice J. E. Hickman; Judges G. B. Smedley, W. M. Taylor, F. W. Brawster, John H. Sharp, Gordon Simpson, A. J. Polley, James P. Hark and W. St. John Garwood; Governor Beauford Jester and former Governors Coke, E. Stevenson and James V. Allred; Lieutenant Governor Allen Shivers; Attorney General Price Daniel and former Attorney General William McGraw; Elbert Roberts and John H. Crocker of Houston; James B. Hubbard of Corpus Christi; Edward F. Maddox of Dallas; Frank S. Madison of San Antonio; Tom Cully of Hempstead; and T. H. McGregor, Edmunds Travis, Dr. Terrence Wag, C. A. Swanson, Joe B. Rowe, R. E. Parker, Warren Freund, Henry Bonchard, L. D. Williams, Fred Henick and Judge Ocie Speer, all of Austin.

Active pallbearers will be George M. Blackburn, Jack Mistrot and Garth Daniel, all of Dallas; Harvey Sartain and J. D. Sartain of Hempstead; Jack Kelley of Houston, and R. E. Whitlock of Austin.

Obituary of Judge John D. Harvey
Austin American, February 8, 1949

Widow Of Judge Dies Here

Mrs. Henrietta McLain
Brewing Harvey, 85, 1208 Mar-
shall Lane, died in a local hos-
pital Tuesday afternoon. She
was the widow of the late
Judge Harvey, who was
presiding judge of Section A of
the Commission of Appeals of
the Supreme Court of Texas
for 18 years before his retire-
ment in 1948.

Mrs. Harvey was a member
of Saint David's Episcopal
Church. Born in Hallettsville,
Aug. 12, 1871, she was the
daughter of Capt. and Mrs. Al-
mon H. Brown. She moved to
Hempstead where she married
Judge Harvey in 1897. He died
in 1948.

She was past president of the
Episcopal Church Chapter
of the United Methodist
the Confederacy, and past state
registrar of the organization.

Funeral will be at 2:30 p.m.
Thursday at Saint David's Ep-
iscopal Church. Rev. Charles A.
Summers will officiate. Burial
will be in State Cemetery under
direction of Cook Funeral
Home.

Survivors include a sister,
Mrs. Hallie B. Robinson of Aus-
tin, niece, Mrs. Jack Miskot,
Fort Worth and Mrs. Victor
Wiley, New Orleans, La.; a
nephew, George M. Blackburn,
Detroit, Mich.; two great
nephews, and Austin cousins,
Mrs. Ada May Maddox and R.
E. Whittaker, and cousins Ed-
ward F. Maddox, Dallas, and
Frank S. Maddox, San Antonio.

Obituary of Etta Harvey
Austin American, November 2, 1966

Obituary of Ada May Maddox
Austin American, September 5, 1971

ADA MAY MADDOX
Ada Mae Maddox, 76, 1309
Marshall Ln., died Saturday in
a local hospital.
She was a lifetime resident of
Austin and a member of St.
David's Episcopal Church.
Survivors are two brothers,
Frank Maddox of San Antonio
and Edward Maddox of Austin,
and a cousin, R. E. Whittaker,
Austin.
Funeral will be at
Cook-Walden Funeral Home
Monday at 10:30 a.m. Rev.
Charles Summers will officiate
and burial will be in Oakwood
Cemetery.

Daughter Of Former Mayor Dies

Funeral for Ada May Maddox, daughter of turn-of-the-century Austin mayor Frank M. Maddox, will be Monday at 10:30 a.m. in Cook-Walden Funeral Home.

Rev. Charles Sumners will officiate and burial will be in Oakwood Cemetery.

Miss Maddox, 76, died in a local hospital early Saturday after an apparent heart attack.

A lifelong resident of Austin, she was the daughter of Frank Maddox, who served as mayor from 1907 to 1909 after a stint on the City Council. The Maddox family has lived at Austin for more than a century.

Miss Maddox had worked in the Attorney General's Office and the Land Office. She was state secretary of the Women's Auxiliary of the American Legion, secretary of the Lake Travis Association and a member of St. David's Episcopal Church.

She is survived by brothers Frank Maddox of San Antonio and Edward Maddox of Austin.

Bench and Bar *of* TEXAS

*A Pictorial and Biographical Directory
of the Members of the Bench
and Bar of Texas*

Volume 1
1937



Publisher
HORACE EVANS
Austin, Texas



RICHARD CRITZ
Associate Justice
Supreme Court of Texas



CALVIN M. CURETON
Chief Justice
Supreme Court of Texas



JOHN H. SHARP
Associate Justice
Supreme Court of Texas



J. D. HARVEY
Presiding Judge
Section A
Commission of Appeals



G. B. SMEDLEY
Presiding Judge
Section B
Commission of Appeals



W. C. MORROW
Presiding Judge
Court of Criminal Appeals

HON. CALVIN M. CURETON

Hon. Calvin M. Cureton, born Walnut Springs, Texas, 1874. Admitted to bar, 1899, Texas. Educated University of Virginia. Practiced Meridian, Texas, 1899-1913. Member Texas State Legislature, 1908-12; First Assistant Attorney-General of Texas, 1913-18; Attorney-General of Texas, 1919-21; Chief Justice, Supreme Court of Texas since 1921. Editor "Banking Laws of Texas," 1916. Member, Company A, Third Texas Volunteer Infantry, Spanish-American War, 1898. Member Texas and American Bar Associations; Knights of Pythias. Married. Chambers, Austin, Texas.

HON. RICHARD CRITZ

Hon. Richard Critz, born Starkville, Mississippi, 1877. Admitted to bar, 1902, Texas. Practiced Granger, Texas, 1902-10; Taylor, 1913-27. County Judge, Williamson County, 1910-18; Judge, Supreme Court Commission of Appeals of Texas, 1927-35; Associate Justice, Supreme Court of Texas since 1935. Member Texas Bar Association; Masons. Married, two daughters and two sons. Chambers, Austin, Texas.

HON. JOHN H. SHARP

Hon. John H. Sharp, born Robertson County, Texas, 1874. Admitted to bar, 1898, Texas. Practiced Ennis, Texas, 1898-1929. Judge, Supreme Court Commission of Appeals of Texas, 1929-35; Associate Justice, Supreme Court of Texas since 1935. Member Texas Bar Association; Masons, Elks and Knights of Pythias. Married, two daughters. Chambers, Austin, Texas.

HON. J. D. HARVEY

Hon. J. D. Harvey, born Austin County, Texas, 1873. Admitted to bar, 1893, Texas. Educated University of Texas, LL. B., 1893. Practiced Hempstead, Texas, 1893-15. County Judge, Waller County, 1904-15; District Judge, 80th Judicial District, 1915-25; Presiding Judge, Section A, the Commission of Appeals, State of Texas, since 1925. Member Texas Bar Association, Woodmen of the World. Married. Chambers, Austin, Texas.

HON. W. C. MORROW

Hon. W. C. Morrow, born Kentucky, 1858. Admitted to bar, 1887, Texas. Practiced Hillsboro, Texas, 1887-17. Member Texas State Senate, 1913-17. Judge Court of Criminal Appeals, State of Texas, 1917-21; Presiding Judge since 1921. Member Travis County and Texas Bar Associations; Masons. Married, one daughter and three sons. Chambers, Austin, Texas.

HON. G. B. SMEDLEY

Hon. G. B. Smedley, born Millersburg, Kentucky, 1879. Admitted to bar, 1905, Texas. Educated Georgetown College, A. B., A. M., University of Virginia, LL. B., 1908. Practiced Dallas, 1905-07; Midland, 1907-13; Austin, 1913-25; Wichita Falls, 1925-29; Fort Worth, 1929-33. County Attorney, Midland County, 1909-11; Assistant Attorney-General of Texas, 1913-18; Judge, the Commission of Appeals, State of Texas since 1933; Presiding Judge Section B since 1937. Member Phi Delta Phi; Raven Society (U. of Va.); Order of the Coif; Texas and American Bar Associations; Masons (Shrine). Married. Chambers, Austin, Texas.

TEXAS BAR JOURNAL

GENERAL INDEX

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and she survives him. He is also survived by his father, Thomas M. Bailey, Houston; and two sisters, Mrs. D. G. Keller, Kansas City, Mo., and Mrs. Marion B. Owen, Houston.

HENRY R. BISHOP



Henry R. Bishop, 57-year-old Fort Worth criminal attorney, died at his home Dec. 14, 1949, after he had suffered a heart attack. Although in failing health for the past 18 months, Mr. Bishop was apparently feeling improved when he went to his office earlier that day, but he returned home at

noon.

The son of Frank Bishop, a former Fort Worth fire chief, and Lucy Bishop, he was born in Fort Worth Dec. 24, 1891. Mr. Bishop attended Central High School in Fort Worth and then studied law. He was admitted to the Texas Bar in 1915 and practiced law in Fort Worth from then until his death.

Mr. Bishop was stricken with a bone disease when he was 8 years old and became crippled in his right leg. A series of operations resulted in his right leg becoming shortened, but the disability did not impair his courtroom ability. He was well known for his capacity to sway juries in criminal cases.

Mr. Bishop's only public office was that of assistant district attorney of Tarrant County in 1920. As a boy, he served as a mascot for the Fort Worth Police Band and made trips with the organization when it went on tour.

Mr. Bishop was a member of the First Christian Church, Moenah Temple Shrine, Mansfield Masonic Lodge, Kennedals I. O. O. F., Fort Worth Bar Association and State Bar of Texas.

Surviving are his widow, Mrs. Virginia Walton Bishop; a daughter, Mrs. Grant Newton, Fort Worth; three sisters, Mrs. E. T. Butcher and Mrs. Walter Townsend of Fort Worth, and Mrs. Roy Waters of Colorado Springs, Colo., and two grandchildren.

J. D. HARVEY

Judge J. D. Harvey, 75, former member of the Supreme Court Commission of Appeals, died Feb. 6, 1949, in Austin after a long illness.

Judge Harvey was appointed by Governor Miriam A. Ferguson as a member of the Supreme Court Commission of Appeals in 1926 and he served in that capacity 18 years, resigning in 1943 because of ill health.

He was once county judge of Waller County. In 1915 he was named judge of the 80th Judicial District when that district was created, and he served as district judge ten years.

Born May 11, 1873, in Nelsonville, Austin County, he was educated at the University of Texas, receiving a Bachelor of Laws degree. He was admitted to the Texas Bar in 1893.

He is survived by his widow, Mrs. Etta Brown Harvey of Austin and two sisters, Mrs. W. T.

Sartain of Hempstead and Mrs. Polly Lobdell of Dallas.

E. N. KIRBY

E. N. Kirby, 84, Abilene attorney and former mayor of Abilene, died Jan. 18, 1949.

Born Nov. 19, 1865, at La Grange, Ga., he received his formal education in public schools. He was admitted to the Texas Bar in 1890, and he practiced at Abilene most of his life.

During his administration as mayor, 1907-19, the city was placed on a sound financial basis, making it possible for the succeeding administration to acquire and build its water and sewer system, rebuild old school buildings and erect new schools, and extend paving.

His fellow attorneys point out that his clients trusted him implicitly because of his integrity, his untiring energy and his rare good judgment.

HOLLAND E. BELL



Holland E. Bell, 73, Houston attorney whose legal career also included service as a state legislator, a member of the Railroad Commission and judge of Coryell County, died in Houston Dec. 9, 1949, after a three-day illness.

Judge Bell was born on a farm near Blanco Sept. 27, 1876, and he received his early education in schools of that community. After graduating from Blanco High School, he taught school at Kingsland, near Llano, and at Science Hall in Hays County. He obtained his Bachelor of Arts degree from the University of Texas in 1901.

Judge Bell then married Mary Mitchell of Austin and they organized and taught schools in the Philippine Islands for three years. Upon his return, Judge Bell again attended the University of Texas, obtaining his M.A. and LL.B. degrees in 1907.

Judge Bell immediately went to Gatesville to begin his law practice. During his 17 years there, he served as city attorney of Gatesville, county attorney of Coryell County and later as county judge. In 1922 he was elected to the Texas Legislature and he served in its 38th session.

The following year Judge Bell accepted a post with the Railroad Commission of Texas, serving until 1927 as chief supervisor of the oil and gas division. For the next two years he was attorney for the Moutray Oil Company at Abilene. In 1929 he organized the industrial relations department of the Humble Oil & Refining Company in Houston, and from 1930 until his retirement in 1942 he was in the legal department of the Humble Company.

In 1941 Judge Bell re-entered the private practice of law in Houston and he continued practicing until his death. He was senior member of the Bell, Dyche & Bell firm. Judge Bell was referee in bankruptcy for the U. S. District Court, Southern District of Texas, for several years.

A. APPLICATION FOR HISTORIC ZONING

OK to go
SS
9-30-08

PROJECT INFORMATION:

DEPARTMENTAL USE ONLY	
APPLICATION DATE: <u>10-01-08</u>	FILE NUMBER(S): <u>C14H-2008-</u>
TENTATIVE HLC DATE: _____	CITY INITIATED: YES / <u>(NO)</u>
TENTATIVE PC or ZAP DATE: <u>ASD</u>	ROLLBACK: YES/NO
TENTATIVE CC DATE: _____	
CASE MANAGER: <u>S. Sadowsky</u>	
APPLICATION ACCEPTED BY: <u>P. Ramos</u>	

BASIC PROJECT DATA:

1. OWNER'S NAME: <u>DONALD M. WILLIAMS AND LISA DOGGETT</u>	
2. PROJECT NAME: <u>Harvey House</u>	
3. PROJECT STREET ADDRESS (or Range): <u>1309 MARSHALL LANE</u>	
ZIP: <u>78703</u>	COUNTY: <u>TRAVIS</u>
IF PROJECT ADDRESS CANNOT BE DEFINED ABOVE: LOCATED _____ FRONTAGE FEET ALONG THE <u>N. S. E. W.</u> (CIRCLE ONE) SIDE OF APPROXIMATELY _____ (ROAD NAME PROPERTY FRONTS ONTO), WHICH IS INTERSECTION WITH _____ DISTANCE FROM ITS _____ CROSS STREET.	

AREA TO BE REZONED:

4. ACRES <u>0.257</u>		(OR)	SQ. FT. _____		
5. ZONING AND LAND-USE INFORMATION:					
EXISTING ZONING	EXISTING USE	TRACT# (IF MORE THAN 1)	ACRES / SQ. FT.	PROPOSED USE	PROPOSED ZONING
<u>MF3-NP</u>	<u>Res</u>	_____	_____	<u>Res</u>	<u>MF3 H-NP</u>
_____	_____	_____	_____	_____	_____

RELATED CURRENT CASES:

6. ACTIVE ZONING CASE? (YES / <u>NO</u>)	FILE NUMBER: _____
7. RESTRICTIVE COVL. ACT? (YES / <u>NO</u>)	FILE NUMBER: _____
8. SUBDIVISION? (YES / <u>NO</u>)	FILE NUMBER: _____
9. SITE PLAN? (YES / <u>NO</u>)	FILE NUMBER: _____

PROPERTY DESCRIPTION (SUBDIVISION REFERENCE OR METES AND BOUNDS):

10a. SUBDIVISION REFERENCE: Name: ENFIELD B
Block(s) _____ Lot(s) 3 Outlot(s) _____
Plat Book: VOLUME 3 Page 75
Number: _____
10b. METES AND BOUNDS (Attach two copies of certified field notes if subdivision reference is not available or zoning includes partial lots)

DEED REFERENCE CONVEYING PROPERTY TO PRESENT OWNER AND TAX PARCEL I.D.:

11. VOLUME: _____ PAGE: _____ TAX PARCEL I.D. NO. 01100106130000

OTHER PROVISIONS:

12. IS PROPERTY IN A ZONING COMBINING DISTRICT / OVERLAY ZONE? YES / NO NP
TYPE OF COMBINING DIST/OVERLAY ZONE (NCCD, NP, etc) _____
13. LOCATED IN A LOCAL OR NATIONAL REGISTER HISTORIC DISTRICT? YES / NO
14. IS A TIA REQUIRED? YES / NO (NOT REQUIRED IF BASE ZONING IS NOT CHANGING)
TRIPS PER DAY: _____
TRAFFIC SERIAL ZONE(S): 1

OWNERSHIP TYPE:

15. ☒ SOLE ☐ COMMUNITY PROPERTY ☐ PARTNERSHIP ☐ CORPORATION ☐ TRUST
If ownership is other than sole or community property, list individuals/partners/principals below or attach separate sheet.

OWNER INFORMATION:

16. OWNER CONTACT INFORMATION
SIGNATURE: D. Williams NAME: DONALD WILLIAMS
FIRM NAME: _____ TELEPHONE NUMBER: 512-786-7043
STREET ADDRESS: 1309 MARSHALL LANE
CITY: AUSTIN STATE: TX ZIP CODE: 78703
EMAIL ADDRESS: dwilliams@alum.mit.edu

AGENT INFORMATION (IF APPLICABLE):

17. AGENT CONTACT INFORMATION
SIGNATURE: _____ NAME: _____
FIRM NAME: _____ TELEPHONE NUMBER: _____
STREET ADDRESS: _____
CITY: _____ STATE: _____ ZIP CODE: _____
CONTACT PERSON: _____ TELEPHONE NUMBER: _____
EMAIL ADDRESS: _____

DEPARTMENTAL USE ONLY: _____

D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

SUBMITTAL VERIFICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Donald M. Williams 9/30/08
Signature Date

Donald M. Williams
Name (Typed or Printed)

Firm (If applicable)

INSPECTION AUTHORIZATION

As owner or authorized agent, my signature authorizes staff to visit and inspect the property for which this application is being submitted.

PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND
INDICATE FIRM REPRESENTED, IF APPLICABLE.

Donald M. Williams 9/30/08
Signature Date

Donald M. Williams
Name (Typed or Printed)

Firm (If applicable)

E. ACKNOWLEDGMENT FORM

concerning
Subdivision Plat Notes, Deed Restrictions,
Restrictive Covenants
and / or
Zoning Conditional Overlays

I, Danella Williams have checked for subdivision plat notes, deed restrictions,
(Print name of applicant)

restrictive covenants and/or zoning conditional overlays prohibiting certain uses and/or requiring certain development restrictions i.e. height, access, screening etc. on this property, located at

1309 Marshall Lane
(Address or Legal Description)

If a conflict should result with the request I am submitting to the City of Austin due to subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlays.

I understand that if requested, I must provide copies of any and all subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditional overlay information which may apply to this property.

D. Williams
(Applicant's signature)

9/30/08

(Date)

TAX CERTIFICATE
Nelda Wells Spears
Travis County Tax Assessor-Collector
P.O. Box 1748
Austin, Texas 78767
(512) 854-9473

NO 1037683

ACCOUNT NUMBER: 01-1001-0613-0000

PROPERTY OWNER:

WILLIAMS DONALD MICHAEL &
LISA DOGGETT
1309 MARSHALL LN
AUSTIN, TX 78703-4028

PROPERTY DESCRIPTION:

LOT 3 OLT 7 DIV 2 ENFIELD B

ACRES 0.000 MIN% .00000 TYPE

SITUS INFORMATION: 1309 MARSHALL LN

This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s):

YEAR	ENTITY	TOTAL
2007	AUSTIN ISD	*ALL PAID*
	CITY OF AUSTIN (TRAV)	*ALL PAID*
	TRAVIS COUNTY	*ALL PAID*
	TRAVIS COUNTY HEALTHCARE DISTRICT	*ALL PAID*
	ACC (TRAVIS)	*ALL PAID*

TOTAL SEQUENCE 0

TOTAL TAX:	*ALL PAID*
UNPAID FEES:	* NONE *
INTEREST ON FEES:	* NONE *
COMMISSION:	* NONE *
TOTAL DUE ==>	*ALL PAID*

TAXES PAID FOR YEAR 2007 \$20,689.03

ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2007 EXCEPT FOR UNPAID YEARS LISTED ABOVE.

The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).

Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 08/12/2008

Fee Paid: \$10.00

Nelda Wells Spears
Tax Assessor-Collector

By: *Nelda Wells Spears*